



U.S. Department of Justice

*United States Attorney
Southern District of New York*

*The Jacob K. Javits Federal Building
26 Federal Plaza, 37th Floor
New York, New York 10278*

January 6, 2025

The Honorable John G. Koeltl
United States District Court
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: United States v. Michael Smith, 24 Cr. 504 (JGK)

Dear Judge Broderick:

The Government writes to request a 60-day adjournment of the status conference scheduled for January 13, 2025, and to provide an update on the status of discovery. The defendant joins in the request for a 60-day adjournment.

Since the Government's last discovery update letter on November 8, 2024, Dkt. 20, the Government has produced approximately four terabytes of additional discovery. The defendant has recently informed the Government that it believes privileged materials may have made it through the Government's privilege screen in the case. The Government has paused its review of search warrant returns (and its process of identifying responsive data) while the parties meet and confer regarding that issue. A 60-day adjournment will allow the defendant to continue reviewing the substantial discovery produced in the case, and to work to resolve the privilege issue.

The Government also respectfully requests, with the consent of the defendant, that the time between January 13, 2025 until the new conference date be excluded under the Speedy Trial Act, 18 U.S.C. § 3161(h)(7)(A), in the interests of justice, to permit the defendant to continue to review the discovery produced in the case and to consider any motions.

Respectfully submitted,

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cc: Counsel of Record (by ECF)